

REMARKS

This Election is made in response to the Restriction Requirement mailed May 25, 2010 in which applicant was required to elect one of two groups of claims identified by the Examiner.

In answer to the Restriction Requirement in the last office action device claims 1-21 (Group I) are elected with traverse. The set of claims 1 to 21 corresponds to the claims 1-21 as presently on file.

Claims 22 to 27 have been marked as withdrawn in response to the Examiner's restriction requirement.

The reasons for the restriction requirement have been considered, and consideration of the all claims 1-27 and allowance of the application is respectfully requested.

When comparing the features of the independent device claims 1 / 8 on one hand and the features of the method claim 22 on the other hand, it becomes apparent that these claims only describe the same essential invention from the device's point of view and from the method's point of view. In other words, they are related a product/process.

Claim 8: Electronic reproduction device, comprising a multi-track reproducer, for reproducing stored multi-track reproduction data wherein said tracks have different kinds of data content, characterized by a component to adapt the reproduction of a subset of said tracks to predetermined conditions, said adaptation component being connected to said reproducer, and being adapted to operate a seamless change of the reproduction between two tracks having synchronization markers.

Claim 22: Method for reproducing stored multi-track reproduction data in accordance with predetermined conditions, wherein said tracks comprise different kinds of data content, comprising: identifying said predetermined conditions, and automatically adapting the reproduction of a subset of said tracks to said predetermined conditions.

The underlined passages of these two claims are nearly identical. When comparing these claims it should be apparent that claim 8 comprises the additional definition of the connection between the components of the electronic reproduction device, and how these elements are operated. In claim 22 it is only defined that the condition according to which the reproduction has to be adapted to has to be identified (which may be performed in claim 8 e.g. by the multi-track reproducer or by the component to adapt the reproduction).

That is, starting from claim 8, it should be apparent that there are only minor differences between the device claim 8 and the respective method claim 22, especially when compared e.g. to the differences between the claim 1 and claim 8, which the examiner already indicated as belonging to a single inventive concept, i.e. to change the reproduced tracks of multi-track data in accordance with (pre-)determined conditions.

It seems that the Election/Restriction Requirement is mainly based on the difference between the features of the mass storage device of claim 1 and the method of claim 22. However if the examiner considers claims 1 and 22 from the point of view of claim 8, it should be apparent that claims 1 and 22 are connected by the features of present claim 8 to a single inventive concept.

As the invention is based on the principle that multi-track data are provided e.g. on a mass storage (of claim 1) with synchronization markers and that a device (of claim 8) uses the method of claim 22 to reproduce these data in accordance with predetermined conditions, it should be clear that the inventions are not independent or distinct. Therefore it is respectfully requested that the Examiner reconsider his opinion that it would be a serious burden on the examiner if restriction is not required.

It has to be noted that when considering the claims 8 and 22 it should be apparent that device of claim 8 may not be operated in the claimed manner without using the method of claim 22, therefore Applicants consider the inventions do not require a different field of search, as it has to be expected that the Examiner will use state of the art related to devices also as state of the art for the claimed method. Applicants expect that a state of the art document pertaining to a device that would be comparable to the present invention as e.g. defined in claim 8 also disclosed comparable method features of claim 22. In other words, there would not be a serious burden when the prior art applicable to Group I claims 1-21 would likely be applicable to the Group II claims 22-27 as well. Further, it is not seen how the classification 704/270 of Group II of a speech signal processing application used to which

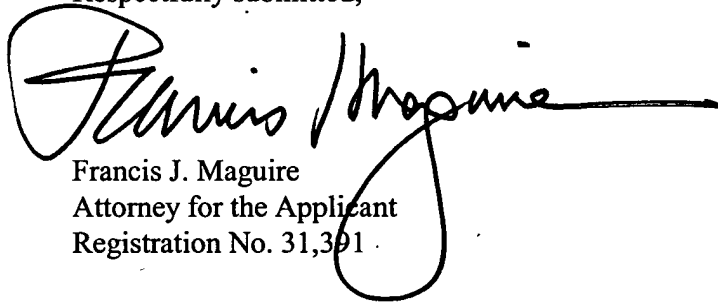
the speech signal processing is being applied would not also be applicable to a search pertaining to digital audio data processing of an audio signal in class 700/94.

It is comprehensible that the Examiner raised the restriction requirement when comparing e.g. device claim 1 pertaining to a mass storage and a method of reproducing multi-track data of claim 22. However this succession of the claims has been selected to make the claims clearer and more intelligible, as it was considered easier to understand a reproduction device if the storage medium of said reproduction device is introduced first.

It would seem to Applicants that in order to maintain the restriction requirement for this very modest number of claims, the Examiner should show mutual exclusive characteristics between the claimed Group I and II claims (see MPEP §§ 806 through 806.05(f)), non-obviousness between the two Groups, and that each Group as claimed can be made by or used in a materially different process or product (see Federal Register/Vol. 75, No. 113/Monday, June 14, 2010 at pages 33584-33587). From that point of view, the restriction requirement can be seen to be unwarranted and should be withdrawn so that Applicants may avoid further delay in prosecution (already almost six years from entering the U.S. National Stage and more than eight years after the international filing date), the deprival of \$350.00 in excess claims fees paid in December of 2004 and/or the need to file a divisional application and the attendant maintenance fees to avoid dedication of unclaimed subject matter to the public.

Applicants accordingly request that the restriction/election requirement be withdrawn.

Respectfully submitted,



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